

Fw: Request for EJ Alternative Dispute Resolution _Eugene OR

Running Grass to: Paul Koprowski

07/08/2009 08:44 AM

History: This message has been forwarded.

fyi

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"Lisa Arkin"

<larkin@oregontoxics.org>

07/03/2009 11:31 AM

Please respond to
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Subject Request for EJ Alternative Dispute Resolution _Eugene OR

Running- Grass, Environmental Justice Program Manager
US EPA Region 10
1200 Sixth Avenue. Ste. 900
Seattle, WA 98101

July 3, 2009

Dear Running Grass:

Please allow this letter to serve as a request from Oregon Toxics Alliance to the Environmental Justice Program within EPA Region 10. Oregon Toxics Alliance, on behalf of the residents of Eugene, request assistance to initiate an Alternative Dispute Resolution in the matter of the construction of an 18 MW biomass co-generation plant in West Eugene.

The Air Contaminant Discharge Permit Application submitted by Seneca Sawmill on 1/29/09 states that the plant will emit nearly 500 tons of criteria air pollutants and air toxics per year (based on modeling). These air pollutants will have a disproportional impact on the neighborhoods downwind of the plant. Our research shows that residents of Trainsong, Bethel, West Eugene and Santa Clara have higher rates of poverty, minority populations and disabilities than all other areas of Eugene. Oregon Toxics Alliance, on behalf of our members and residents of the impacted neighborhoods, contends that this matter is an

environmental justice problem.

In early June 2009, Oregon Toxics Alliance communicated our concern about environmental justice infringements that may result because of the proposed Seneca Sawmill biomass co-generation facility. We presented these concerns to staff members of EPA, Mayor Piercy of Eugene and Councilwoman Andrea Ortiz, Lane Regional Air Pollution Agency, Lane County Commissioner Rob Handy, consultants and the manager for the Seneca Cogeneration Power Plant and representatives of impacted neighborhoods in West Eugene.

Our concerns include:

- Many of the pollutants emitted by the plant are known to cause cancer, heart disease, and respiratory illness.
- A number of industries in West Eugene already emit many tons hazardous air pollutants (HAP's) that create poor air quality for the residents in that area. However, the Seneca Cogeneration plant would add to the existing pollution by being Eugene's largest source of styrene (a carcinogen), acetaldehyde (a carcinogen), hydrogen chloride (causes respiratory illnesses), and naphthalene (a carcinogen).
- The Seneca Co-generation plant would be Eugene's 3rd largest source of formaldehyde (a carcinogen).
- The Seneca Co-generation plant will be the 4th largest emitter of toluene (a carcinogen).
- The Cogeneration plant will emit 186 tons of NOx per year. The power plant would be the 4th largest emitter of NOx in Lane County and the 2nd largest in Eugene
 - NOx is a main component of ground-level ozone and contributes to global warming.
 - According to the EPA, NOx causes respiratory problems and aggravates heart disease. It can damage lung tissue, and cause premature death.
- The plant will emit 200 tons/year of carbon monoxide (CO), making it the 2nd largest emitter of CO in Eugene.
 - According to the EPA, CO can trigger serious respiratory problems and even at low levels is a serious threat to people with heart problems.
- The Air Contaminant Discharge Permit Application for the Seneca Co-generation plant does not quantify the amount of methane or carbon dioxide (or carbon dioxide equivalents) that the facility will contribute to the local airshed. These greenhouse gases will contribute to global climate change.

The Seneca Co-generate plant will adversely and disproportionately impact the health, welfare, and quality of life for the residents of West Eugene. The Eugene community has serious concerns related to the exposure to air pollution which include maximum control technology, stack monitoring, ambient air monitoring, emissions reporting, verification of fuel sources, maximum control technology and the plant's contribution to emission of green house gases.

Furthermore, the U.S. Environmental Protection Agency (EPA) has declared heat-trapping greenhouse gas emissions are a threat to public health and welfare, setting the stage for potentially major air protection regulations to address climate change. EPA Administrator Lisa Jackson supports the finding that greenhouse gases endanger public health and welfare. Research supports the contention that people living in poverty will be disproportionately impacted by climate change. Thus, the Eugene community has the right to full disclosure of all greenhouse gas contributions attributable to the proposed facility.

The Mayor of Eugene, Kitty Piercy, has expressed her support for an Alternative Dispute Resolution session or series of meetings. Representatives of nearby neighborhoods are also supportive of the process. Oregon Toxics Alliance has not yet approached the owners or consultants of Seneca Sawmill, pending the response from the EPA.

The Lane Regional Air Protection Agency plans to hold public hearing on the Title V air permit on July 30 and close the public comment period in mid-August. Oregon Toxics Alliance suggests that an Alternative Dispute Resolution take place after the public hearing, but before the close of the public comment period.

We would appreciate your response and an indication of EPA Region 10's willingness to work together with us in the matter of initiating an Alternative Dispute Resolution (ADR). Stakeholders for the ADR process must include the impacted communities, Lane Regional Air Protection Agency, Oregon Toxics Alliance, the City of Eugene, Seneca Sawmill, and the Eugene Water and Electric Board.

Sincerely,
Lisa Arkin, Executive Director
Oregon Toxics Alliance
PO BOX 1106
Eugene, OR 97440

Copies via email to:
Eugene Mayor Kitty Piercy
Lane County Commissioner Chairman Peter Sorenson
Lane County Commissioner Rob Handy
Eugene City Councilor Andrea Ortiz
Merlyn Hough, Director, Lane Regional Air Protection Agency
Suzi Ruhl, US EPA Office of Environmental Justice
Ted Yackulic, US EPA, Attorney
Monica Kirk, US EPA, Special Counsel to the Regional Administrator
Deborah Dalton, US EPA Conflict Prevention and Resolution Center
Gloria Campuzano, Chair, Lane County Health Advisory Committee
Mikell O'Maely, Oregon DEQ, Environmental Justice Coordinator
Jessica Hamilton, Natural Resources Policy Advisor, Office of the Governor of Oregon
Robin Morris Collin, Chair, Oregon Environmental Justice Task Force
Lisa Goldman, Environmental Law Institute

Lisa Arkin

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